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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,358	07/13/2001	William Franklin Harris JR.	B-0103.30	3736

7590 07/02/2003

LAW OFFICES OF CHRISTOPHER L. MAKAY  
1634 Milam Building  
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San Antonio, TX 78205

[REDACTED] EXAMINER

TUCKER, PHILIP C

ART UNIT	PAPER NUMBER
1712	8

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

5\*

<b>Office Action Summary</b>	Application No.	Applicant(s)
	905358	HARRIS JR
Examiner	P. TUCKER	Group Art Unit 1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

Responsive to communication(s) filed on 4/10/03

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

**Disposition of Claims**

Claim(s) 1 - 81 is/are pending in the application.  
 Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 1 - 23, 25 - 50, 52 - 71, 81 is/are allowed.

Claim(s) \_\_\_\_\_ is/are rejected.

Claim(s) 24, 51, 80 is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

**Application Papers**

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

Certified copies of the priority documents have been received.

Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

**Office Action Summary**

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 24, 51 and 80 are objected to because of the following informalities: In the next to last line of each of the claims, the term “pentahydroxycyclhexy” appears, which is not a proper chemical name. It is not clear if applicant meant the term “pentahydroxyclycohexyl”, since applicants amendment to the specification also contains the incorrect chemical name. Appropriate correction is required.

2. Claims 1-23, 25-50, 52-79 and 81 are allowable over the art of record.

3. Applicants terminal disclaimer has overcome the rejection under obvious double patenting. Applicants arguments and amendment with respect to the polyalkylene glycol being liquid and the suspension being pourable or pumpable is deemed persuasive with respect to the applied prior art. A new objection is presented.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tucker whose telephone number is (703) 308-0529. The examiner's normal working hours are 7:30am-4:00pm, Monday-Friday. If necessary SPE Robert Dawson may be contacted at 703-308-2340. For inquiries of a general nature call the receptionist at 703-308-0651. The group FAX no. is 703-872-9310. The **after final** fax no. Is 703-872-9311.

PCT-2841  
June 30, 2003

  
**PHILIP C. TUCKER**  
**ART UNIT 1712**